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November 20, 2007

VIA HAND DELIVERYHonorable Harold Baer
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007Re: Gustavo Bermudez v. City of New York Police Department et al., 07 Civ. 9537 (HB)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department assigned to the defense of the above referenced matter on behalf of defendant City of New York Police Department ("NYPD").¹ In essence, plaintiff's complaint alleges that on July 18, 2006, \$123,565 was unlawfully seized from him by the NYPD and the United States Drug Enforcement Agency ("DEA"). Further, plaintiff alleges that the money was later forfeited in violation of plaintiff's due process rights. Consequently, I write to respectfully request a sixty-day enlargement of time, until January 22, 2007, for defendant NYPD to respond to the complaint. Based upon the date of service on the NYPD, its response is presently due on or about November, 21, 2007. Plaintiff's counsel has consented to this request, and I note further that no previous request for an extension has been made in this action.

In accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need time to investigate the allegations of the complaint and thus seek an enlargement of time in this matter. In this case, plaintiff alleges in the complaint that defendant NYPD seized \$123,565 from him without cause and "secretly furnished" the U.S. currency to the

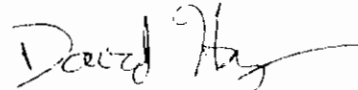
¹ This case has been assigned to Assistant Corporation Counsel Philip S. Frank, who is presently awaiting admission to the bar and is handling this matter under supervision. Mr. Frank may be reached directly at (212) 788-0893.

United States Drug Enforcement Agency. Accordingly, it is necessary for our office to acquire as much information as possible concerning this matter in order to properly assess the case and respond to the complaint. Currently, this office is in the process of forwarding to plaintiff for execution a consent and authorization for the release of records that may have been sealed pursuant to New York Criminal Procedure Law § 160.50. The executed releases are necessary for our office to obtain the police records pertaining to the seizure of the money.

I would like to assure the Court that we are attempting to move forward in this litigation as expeditiously as possible, and that the requested enlargement is necessary in order for us to proceed effectively. Accordingly, we would respectfully ask that the Court grant our request for a sixty-day enlargement of the City defendant's time to respond to the complaint, until January 22, 2007.

I thank the Court for its time and consideration in this matter.


Respectfully submitted,



David M. Hazan (DH-8611)
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Via Facsimile (203) 661-3666
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ask to 1/22/07
granted on consent

SO ORDERED:

Harold Baer, Jr., U.S.D.J.
Date: 11/27/07